

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1337

65th Legislature
2017 Regular Session

Passed by the House February 15, 2017
Yeas 94 Nays 3

Speaker of the House of Representatives

Passed by the Senate April 19, 2017
Yeas 49 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1337** as passed by House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 1337

Passed Legislature - 2017 Regular Session

State of Washington

65th Legislature

2017 Regular Session

By Representatives Riccelli, Harris, Cody, Jenkins, Tharinger, Robinson, Goodman, Ormsby, and Ortiz-Self; by request of Washington State Medical Commission

Read first time 01/18/17. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to the interstate medical licensure compact;
2 amending RCW 43.70.250; adding a new section to chapter 42.56 RCW;
3 adding a new chapter to Title 18 RCW; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** PURPOSE. In order to strengthen access to
6 health care, and in recognition of the advances in the delivery of
7 health care, the member states of the interstate medical licensure
8 compact have allied in common purpose to develop a comprehensive
9 process that complements the existing licensing and regulatory
10 authority of state medical boards, provides a streamlined process
11 that allows physicians to become licensed in multiple states, thereby
12 enhancing the portability of a medical license and ensuring the
13 safety of patients. The compact creates another pathway for licensure
14 and does not otherwise change a state's existing medical practice
15 act. The compact also adopts the prevailing standard for licensure
16 and affirms that the practice of medicine occurs where the patient is
17 located at the time of the physician-patient encounter, and
18 therefore, requires the physician to be under the jurisdiction of the
19 state medical board where the patient is located. State medical
20 boards that participate in the compact retain the jurisdiction to
21 impose an adverse action against a license to practice medicine in

1 that state issued to a physician through the procedures in the
2 compact.

3 NEW SECTION. **Sec. 2.** DEFINITIONS. In this compact:

4 (1) "Bylaws" means those bylaws established by the interstate
5 commission pursuant to section 11 of this act for its governance, or
6 for directing and controlling its actions and conduct.

7 (2) "Commissioner" means the voting representative appointed by
8 each member board pursuant to section 11 of this act.

9 (3) "Conviction" means a finding by a court that an individual is
10 guilty of a criminal offense through adjudication, or entry of a plea
11 of guilt or no contest to the charge by the offender. Evidence of an
12 entry of a conviction of a criminal offense by the court shall be
13 considered final for purposes of disciplinary action by a member
14 board.

15 (4) "Expedited license" means a full and unrestricted medical
16 license granted by a member state to an eligible physician through
17 the process set forth in the compact.

18 (5) "Interstate commission" means the interstate commission
19 created pursuant to section 11 of this act.

20 (6) "License" means authorization by a state for a physician to
21 engage in the practice of medicine, which would be unlawful without
22 the authorization.

23 (7) "Medical practice act" means laws and regulations governing
24 the practice of allopathic and osteopathic medicine within a member
25 state.

26 (8) "Member board" means a state agency in a member state that
27 acts in the sovereign interests of the state by protecting the public
28 through licensure, regulation, and education of physicians as
29 directed by the state government.

30 (9) "Member state" means a state that has enacted the compact.

31 (10) "Offense" means a felony, gross misdemeanor, or crime of
32 moral turpitude.

33 (11) "Physician" means any person who:

34 (a) Is a graduate of a medical school accredited by the liaison
35 committee on medical education, the commission on osteopathic college
36 accreditation, or a medical school listed in the international
37 medical education directory or its equivalent;

38 (b) Passed each component of the United States medical licensing
39 examination (USMLE) or the comprehensive osteopathic medical

1 licensing examination (COMLEX-USA) within three attempts, or any of
2 its predecessor examinations accepted by a state medical board as an
3 equivalent examination for licensure purposes;

4 (c) Successfully completed graduate medical education approved by
5 the accreditation council for graduate medical education or the
6 American osteopathic association;

7 (d) Holds specialty certification or a time-unlimited specialty
8 certificate recognized by the American board of medical specialties
9 or the American osteopathic association bureau of osteopathic
10 specialists;

11 (e) Possesses a full and unrestricted license to engage in the
12 practice of medicine issued by a member board;

13 (f) Has never been convicted, received adjudication, deferred
14 adjudication, community supervision, or deferred disposition for any
15 offense by a court of appropriate jurisdiction;

16 (g) Has never held a license authorizing the practice of medicine
17 subjected to discipline by a licensing agency in any state, federal,
18 or foreign jurisdiction, excluding any action related to nonpayment
19 of fees related to a license;

20 (h) Has never had a controlled substance license or permit
21 suspended or revoked by a state or the United States drug enforcement
22 administration; and

23 (i) Is not under active investigation by a licensing agency or
24 law enforcement authority in any state, federal, or foreign
25 jurisdiction.

26 (12) "Practice of medicine" means the clinical prevention,
27 diagnosis, or treatment of human disease, injury, or condition
28 requiring a physician to obtain and maintain a license in compliance
29 with the medical practice act of a member state.

30 (13) "Rule" means a written statement by the interstate
31 commission promulgated pursuant to section 12 of this act that is of
32 general applicability, implements, interprets, or prescribes a policy
33 or provision of the compact, or an organizational, procedural, or
34 practice requirement of the interstate commission, and has the force
35 and effect of statutory law in a member state, and includes the
36 amendment, repeal, or suspension of an existing rule.

37 (14) "State" means any state, commonwealth, district, or
38 territory of the United States.

39 (15) "State of principal license" means a member state where a
40 physician holds a license to practice medicine and which has been

1 designated as such by the physician for purposes of registration and
2 participation in the compact.

3 NEW SECTION. **Sec. 3.** ELIGIBILITY. (1) A physician must meet the
4 eligibility requirements as defined in section 2(11) of this act to
5 receive an expedited license under the terms and provisions of the
6 compact.

7 (2) A physician who does not meet the requirements of section
8 2(11) of this act may obtain a license to practice medicine in a
9 member state if the individual complies with all laws and
10 requirements, other than the compact, relating to the issuance of a
11 license to practice medicine in that state.

12 NEW SECTION. **Sec. 4.** DESIGNATION OF STATE OF PRINCIPAL LICENSE.

13 (1) A physician shall designate a member state as the state of
14 principal license for purposes of registration for expedited
15 licensure through the compact if the physician possesses a full and
16 unrestricted license to practice medicine in that state, and the
17 state is:

- 18 (a) The state of primary residence for the physician; or
19 (b) The state where at least twenty-five percent of the practice
20 of medicine occurs; or
21 (c) The location of the physician's employer; or
22 (d) If no state qualifies under (a), (b), or (c) of this
23 subsection, the state designated as state of residence for purpose of
24 federal income tax.

25 (2) A physician may redesignate a member state as state of
26 principal license at any time, as long as the state meets the
27 requirements in subsection (1) of this section.

28 (3) The interstate commission is authorized to develop rules to
29 facilitate redesignation of another member state as the state of
30 principal license.

31 NEW SECTION. **Sec. 5.** APPLICATION AND ISSUANCE OF EXPEDITED
32 LICENSURE. (1) A physician seeking licensure through the compact
33 shall file an application for an expedited license with the member
34 board of the state selected by the physician as the state of
35 principal license.

36 (2) Upon receipt of an application for an expedited license, the
37 member board within the state selected as the state of principal

1 license shall evaluate whether the physician is eligible for
2 expedited licensure and issue a letter of qualification, verifying or
3 denying the physician's eligibility, to the interstate commission.

4 (a) Static qualifications which include verification of medical
5 education, graduate medical education, results of any medical or
6 licensing examination, and other qualifications as determined by the
7 interstate commission through rule, shall not be subject to
8 additional primary source verification where already primary source
9 verified by the state of principal license.

10 (b) The member board within the state selected as the state of
11 principal license shall, in the course of verifying eligibility,
12 perform a criminal background check of an applicant, including the
13 use of the results of fingerprint or other biometric data checks
14 compliant with the requirements of the federal bureau of
15 investigation, with the exception of federal employees who have
16 suitability determination in accordance United States 5 C.F.R. §
17 731.202.

18 (c) Appeal on the determination of eligibility shall be made to
19 the member state where the application was filed and shall be subject
20 to the laws of that state.

21 (3) Upon verification in subsection (2) of this section,
22 physicians eligible for an expedited license shall complete the
23 registration process established by the interstate commission to
24 receive a license in a member state selected pursuant to subsection
25 (1) of this section, including the payment of any applicable fees.

26 (4) After receiving verification of eligibility under subsection
27 (2) of this section and any fees under subsection (3) of this
28 section, a member board shall issue an expedited license to the
29 physician. This license shall authorize the physician to practice
30 medicine in the issuing state consistent with the medical practice
31 act and all applicable laws and regulations of the issuing member
32 board and member state.

33 (5) An expedited license shall be valid for a period consistent
34 with the licensure period in the member state and in the same manner
35 as required for other physicians holding a full and unrestricted
36 license within the member state.

37 (6) An expedited license obtained through the compact shall be
38 terminated if a physician fails to maintain a license in the state of
39 principal licensure for a nondisciplinary reason, without
40 redesignation of a new state of principal licensure.

1 (7) The interstate commission is authorized to develop rules
2 regarding the application process, including payment of any
3 applicable fees, and the issuance of an expedited license.

4 NEW SECTION. **Sec. 6.** FEES FOR EXPEDITED LICENSURE. (1) A member
5 state issuing an expedited license authorizing the practice of
6 medicine in that state may impose a fee for a license issued or
7 renewed through the compact.

8 (2) The interstate commission is authorized to develop rules
9 regarding fees for expedited licenses.

10 NEW SECTION. **Sec. 7.** RENEWAL AND CONTINUED PARTICIPATION. (1) A
11 physician seeking to renew an expedited license granted in a member
12 state shall complete a renewal process with the interstate commission
13 if the physician:

14 (a) Maintains a full and unrestricted license in a state of
15 principal license;

16 (b) Has not been convicted, received adjudication, deferred
17 adjudication, community supervision, or deferred disposition for any
18 offense by a court of appropriate jurisdiction;

19 (c) Has not had a license authorizing the practice of medicine
20 subject to discipline by a licensing agency in any state, federal, or
21 foreign jurisdiction, excluding any action related to nonpayment of
22 fees related to a license; and

23 (d) Has not had a controlled substance license or permit
24 suspended or revoked by a state or the United States drug enforcement
25 administration.

26 (2) Physicians shall comply with all continuing professional
27 development or continuing medical education requirements for renewal
28 of a license issued by a member state.

29 (3) The interstate commission shall collect any renewal fees
30 charged for the renewal of a license and distribute the fees to the
31 applicable member board.

32 (4) Upon receipt of any renewal fees collected in subsection (3)
33 of this section, a member board shall renew the physician's license.

34 (5) Physician information collected by the interstate commission
35 during the renewal process with be distributed to all member boards.

36 (6) The interstate commission is authorized to develop rules to
37 address renewal of licenses obtained through the compact.

1 NEW SECTION. **Sec. 8.** COORDINATED INFORMATION SYSTEM. (1) The
2 interstate commission shall establish a database of all physicians
3 licensed, or who have applied for licensure, under section 5 of this
4 act.

5 (2) Notwithstanding any other provision of law, member boards
6 shall report to the interstate commission any public action or
7 complaints against a licensed physician who has applied or received
8 an expedited license through the compact.

9 (3) Member boards shall report disciplinary or investigatory
10 information determined as necessary and proper by rule of the
11 interstate commission.

12 (4) Member boards may report any nonpublic complaint,
13 disciplinary, or investigatory information not required by subsection
14 (3) of this section to the interstate commission.

15 (5) Member boards shall share complaint or disciplinary
16 information about a physician upon request of another member board.

17 (6) All information provided to the interstate commission or
18 distributed by member boards shall be confidential, filed under seal,
19 and used only for investigatory or disciplinary matters.

20 (7) The interstate commission is authorized to develop rules for
21 mandated or discretionary sharing of information by member boards.

22 NEW SECTION. **Sec. 9.** JOINT INVESTIGATIONS. (1) Licensure and
23 disciplinary records of physicians are deemed investigative.

24 (2) In addition to the authority granted to a member board by its
25 respective medical practice act or other applicable state law, a
26 member board may participate with other member boards in joint
27 investigations of physicians licensed by the member boards.

28 (3) A subpoena issued by a member state shall be enforceable in
29 other member states.

30 (4) Member boards may share any investigative, litigation, or
31 compliance materials in furtherance of any joint or individual
32 investigation initiated under the compact.

33 (5) Any member state may investigate actual or alleged violations
34 of the statutes authorizing the practice of medicine in any other
35 member state in which a physician holds a license to practice
36 medicine.

37 NEW SECTION. **Sec. 10.** DISCIPLINARY ACTIONS. (1) Any
38 disciplinary action taken by any member board against a physician

1 licensed through the compact shall be deemed unprofessional conduct
2 which may be subject to discipline by other member boards, in
3 addition to any violation of the medical practice act or regulations
4 in that state.

5 (2) If a license granted to a physician by the member board in
6 the state of principal license is revoked, surrendered or
7 relinquished in lieu of discipline, or suspended, then all licenses
8 issued to the physician by member boards shall automatically be
9 placed, without further action necessary by any member board, on the
10 same status. If the member board in the state of principal license
11 subsequently reinstates the physician's license, a license issued to
12 the physician by any other member board shall remain encumbered until
13 that respective member board takes action to reinstate the license in
14 a manner consistent with the medical practice act of that state.

15 (3) If disciplinary action is taken against a physician by a
16 member board not in the state of principal license, any other member
17 board may deem the action conclusive as to matter of law and fact
18 decided, and:

19 (a) Impose the same or lesser sanctions against the physician so
20 long as such sanctions are consistent with the medical practice act
21 of that state; or

22 (b) Pursue separate disciplinary action against the physician
23 under its respective medical practice act, regardless of the action
24 taken in other member states.

25 (4) If a license granted to a physician by a member board is
26 revoked, surrendered or relinquished in lieu of discipline, or
27 suspended, then any licenses issued to the physician by any other
28 member boards shall be suspended, automatically and immediately
29 without further action necessary by the other member boards, for
30 ninety days upon entry of the order by the disciplining board, to
31 permit the member boards to investigate the basis for the action
32 under the medical practice act of that state. A member board may
33 terminate the automatic suspension of the license it issued prior to
34 the completion of the ninety day suspension period in a manner
35 consistent with the medical practice act of that state.

36 NEW SECTION. **Sec. 11.** INTERSTATE MEDICAL LICENSURE COMPACT
37 COMMISSION. (1) The member states hereby create the "interstate
38 medical licensure compact commission."

1 (2) The purpose of the interstate commission is the
2 administration of the interstate medical licensure compact, which is
3 a discretionary state function.

4 (3) The interstate commission shall be a body corporate and joint
5 agency of the member states and shall have all the responsibilities,
6 powers, and duties set forth in the compact, and such additional
7 powers as may be conferred upon it by a subsequent concurrent action
8 of the respective legislatures of the member states in accordance
9 with the terms of the compact.

10 (4) The interstate commission shall consist of two voting
11 representatives appointed by each member state who shall serve as
12 commissioners. In states where allopathic and osteopathic physicians
13 are regulated by separate member boards, or if the licensing and
14 disciplinary authority is split between multiple member boards within
15 a member state, the member state shall appoint one representative
16 from each member board. A commissioner shall be:

17 (a) An allopathic or osteopathic physician appointed to a member
18 board;

19 (b) An executive director, executive secretary, or similar
20 executive of a member board; or

21 (c) A member of the public appointed to a member board.

22 (5) The interstate commission shall meet at least once each
23 calendar year. A portion of this meeting shall be a business meeting
24 to address such matters as may properly come before the commission,
25 including the election of officers. The chairperson may call
26 additional meetings and shall call for a meeting upon the request of
27 a majority of the member states.

28 (6) The bylaws may provide for meetings of the interstate
29 commission to be conducted by telecommunication or electronic
30 communication.

31 (7) Each commissioner participating at a meeting of the
32 interstate commission is entitled to one vote. A majority of
33 commissioners shall constitute a quorum for the transaction of
34 business, unless a larger quorum is required by the bylaws of the
35 interstate commission. A commissioner shall not delegate a vote to
36 another commissioner. In the absence of its commissioner, a member
37 state may delegate voting authority for a specified meeting to
38 another person from that state who shall meet the requirements of
39 subsection (4) of this section.

1 (8) The interstate commission shall provide public notice of all
2 meetings and all meetings shall be open to the public. The interstate
3 commission may close a meeting, in full or in portion, where it
4 determines by a two-thirds vote of the commissioners present that an
5 open meeting would be likely to:

6 (a) Relate solely to the internal personnel practices and
7 procedures of the interstate commission;

8 (b) Discuss matters specifically exempted from disclosure by
9 federal statute;

10 (c) Discuss trade secrets, commercial, or financial information
11 that is privileged or confidential;

12 (d) Involve accusing a person of a crime, or formally censuring a
13 person;

14 (e) Discuss information of a personal nature where disclosure
15 would constitute a clearly unwarranted invasion of personal privacy;

16 (f) Discuss investigative records compiled for law enforcement
17 purposes; or

18 (g) Specifically relate to the participation in a civil action or
19 other legal proceeding.

20 (9) The interstate commission shall keep minutes which shall
21 fully describe all matters discussed in a meeting and shall provide a
22 full and accurate summary of actions taken, including record of any
23 roll call votes.

24 (10) The interstate commission shall make its information and
25 official records, to the extent not otherwise designated in the
26 compact or by its rules, available to the public for inspection.

27 (11) The interstate commission shall establish an executive
28 committee, which shall include officers, members, and others as
29 determined by the bylaws. The executive committee shall have the
30 power to act on behalf of the interstate commission, with the
31 exception of rule making, during periods when the interstate
32 commission is not in session. When acting on behalf of the interstate
33 commission, the executive committee shall oversee the administration
34 of the compact including enforcement and compliance with the
35 provisions of the compact, its bylaws and rules, and other such
36 duties as necessary.

37 (12) The interstate commission may establish other committees for
38 governance and administration of the compact.

1 NEW SECTION. **Sec. 12.** POWERS AND DUTIES OF THE INTERSTATE
2 COMMISSION. The interstate commission shall have the duty and power
3 to:

4 (1) Oversee and maintain the administration of the compact;

5 (2) Promulgate rules which shall be binding to the extent and in
6 the manner provided for in the compact;

7 (3) Issue, upon the request of a member state or member board,
8 advisory opinions concerning the meaning or interpretation of the
9 compact, its bylaws, rules, and actions;

10 (4) Enforce compliance with compact provisions, the rules
11 promulgated by the interstate commission, and the bylaws, using all
12 necessary and proper means including, but not limited to, the use of
13 judicial process;

14 (5) Establish and appoint committees including, but not limited
15 to, an executive committee as required by section 11 of this act,
16 which shall have the power to act on behalf of the interstate
17 commission in carrying out its powers and duties;

18 (6) Pay, or provide for the payment of the expenses related to
19 the establishment, organization, and ongoing activities of the
20 interstate commission;

21 (7) Establish and maintain one or more offices;

22 (8) Borrow, accept, hire, or contract for services of personnel;

23 (9) Purchase and maintain insurance and bonds;

24 (10) Employ an executive director who shall have such powers to
25 employ, select or appoint employees, agents, or consultants, and to
26 determine their qualifications define their duties, and fix their
27 compensation;

28 (11) Establish personnel policies and programs relating to
29 conflicts of interest, rates of compensation, and qualifications of
30 personnel;

31 (12) Accept donations and grants of money, equipment, supplies,
32 materials and services, and to receive, utilize, and dispose of it in
33 a manner consistent with the conflict of interest policies
34 established by the interstate commission;

35 (13) Lease, purchase, accept contributions or donations of, or
36 otherwise to own, hold, improve or use, any property, real, personal,
37 or mixed;

38 (14) Sell, convey, mortgage, pledge, lease, exchange, abandon, or
39 otherwise dispose of any property, real, personal, or mixed;

40 (15) Establish a budget and make expenditures;

1 (16) Adopt a seal and bylaws governing the management and
2 operation of the interstate commission;

3 (17) Report annually to the legislatures and governors of the
4 member states concerning the activities of the interstate commission
5 during the preceding year. Such reports shall also include reports of
6 financial audits and any recommendations that may have been adopted
7 by the interstate commission;

8 (18) Coordinate education, training, and public awareness
9 regarding the compact, its implementation, and its operation;

10 (19) Maintain records in accordance with the bylaws;

11 (20) Seek and obtain trademarks, copyrights, and patents; and

12 (21) Perform such functions as may be necessary or appropriate to
13 achieve the purposes of the compact.

14 NEW SECTION. **Sec. 13.** FINANCE POWERS. (1) The interstate
15 commission may levy on and collect an annual assessment from each
16 member state to cover the cost of the operations and activities of
17 the interstate commission and its staff. The total assessment must be
18 sufficient to cover the annual budget approved each year for which
19 revenue is not provided by other sources. The aggregate annual
20 assessment amount shall be allocated upon a formula to be determined
21 by the interstate commission, which shall promulgate a rule binding
22 upon all member states.

23 (2) The interstate commission shall not incur obligations of any
24 kind prior to securing the funds adequate to meet the same.

25 (3) The interstate commission shall not pledge the credit of any
26 of the member states, except by, and with the authority of, the
27 member state.

28 (4) The interstate commission shall be subject to a yearly
29 financial audit conducted by a certified or licensed public
30 accountant and the report of the audit shall be included in the
31 annual report of the interstate commission.

32 NEW SECTION. **Sec. 14.** ORGANIZATION AND OPERATION OF THE
33 INTERSTATE COMMISSION. (1) The interstate commission shall, by a
34 majority of commissioners present and voting, adopt bylaws to govern
35 its conduct as may be necessary or appropriate to carry out the
36 purposes of the compact within twelve months of the first interstate
37 commission meeting.

1 (2) The interstate commission shall elect or appoint annually
2 from among its commissioners a chair, a vice-chair, and a treasurer,
3 each of whom shall have such authority and duties as may be specified
4 in the bylaws. The chair, or in the chair's absence or disability,
5 the vice-chair, shall preside at all meetings of the interstate
6 commission.

7 (3) Officers selected in subsection (2) of this section shall
8 serve without remuneration from the interstate commission.

9 (4) The officers and employees of the interstate commission shall
10 be immune from suit and liability, either personally or in their
11 official capacity, for a claim for damage to or loss of property or
12 personal injury or other civil liability caused or arising out of, or
13 relating to, an actual or alleged act, error, or omission that
14 occurred, or that such person had a reasonable basis for believing
15 occurred, within the scope of interstate commission employment,
16 duties, or responsibilities, provided that such person shall not be
17 protected from suit or liability for damage, loss, injury, or
18 liability caused by the intentional or willful and wanton misconduct
19 of such person.

20 (a) The liability of the executive director and employees of the
21 interstate commission or representatives of the interstate
22 commission, acting within the scope of such person's employment or
23 duties for acts, errors, or omissions occurring within such person's
24 state, may not exceed the limits of liability set forth under the
25 Constitution and laws of that state for state officials, employees,
26 and agents. The interstate commission is considered to be an
27 instrumentality of the states for the purposes of any such action.
28 Nothing in this subsection shall be construed to protect such person
29 from suit or liability for damage, loss, injury, or liability caused
30 by the intentional or willful and wanton misconduct of such person.

31 (b) The interstate commission shall defend the executive
32 director, its employees, and subject to the approval of the attorney
33 general or other appropriate legal counsel of the member state
34 represented by an interstate commission representative, shall defend
35 such interstate commission representative in any civil action seeking
36 to impose liability arising out of an actual or alleged act, error,
37 or omission that occurred within the scope of interstate commission
38 employment, duties, or responsibilities, or that the defendant had a
39 reasonable basis for believing occurred within the scope of
40 interstate commission employment, duties, or responsibilities,

1 provided that the actual or alleged act, error, or omission did not
2 result from intentional or willful and wanton misconduct on the part
3 of such person.

4 (c) To the extent not covered by the state involved, member
5 state, or the interstate commission, the representatives or employees
6 of the interstate commission shall be held harmless in the amount of
7 a settlement or judgment, including attorneys' fees and costs,
8 obtained against such persons arising out of an actual or alleged
9 act, error, or omission that occurred within the scope of interstate
10 commission employment, duties, or responsibilities, or that such
11 persons had a reasonable basis for believing occurred within the
12 scope of interstate commission employment, duties, or
13 responsibilities, provided that the actual or alleged act, error, or
14 omission did not result from intentional or willful and wanton
15 misconduct on the part of such persons.

16 NEW SECTION. **Sec. 15.** RULE-MAKING FUNCTIONS OF THE INTERSTATE
17 COMMISSION. (1) The interstate commission shall promulgate reasonable
18 rules in order to effectively and efficiently achieve the purposes of
19 the compact. Notwithstanding the foregoing, in the event the
20 interstate commission exercises its rule-making authority in a manner
21 that is beyond the scope of the purposes of the compact, or the
22 powers granted hereunder, then such an action by the interstate
23 commission shall be invalid and have no force or effect.

24 (2) Rules deemed appropriate for the operations of the interstate
25 commission shall be made pursuant to a rule-making process that
26 substantially conforms to the "model state administrative procedure
27 act" of 2010, and subsequent amendments thereto.

28 (3) Not later than thirty days after a rule is promulgated, any
29 person may file a petition for judicial review of the rule in the
30 United States district court for the District of Columbia or the
31 federal district where the interstate commission has its principal
32 offices, provided that the filing of such a petition shall not stay
33 or otherwise prevent the rule from becoming effective unless the
34 court finds that the petitioner has a substantial likelihood of
35 success. The court shall give deference to the actions of the
36 interstate commission consistent with applicable law and shall not
37 find the rule to be unlawful if the rule represents a reasonable
38 exercise of the authority granted to the interstate commission.

1 NEW SECTION. **Sec. 16.** OVERSIGHT OF INTERSTATE COMPACT. (1) The
2 executive, legislative, and judicial branches of state government in
3 each member state shall enforce the compact and shall take all
4 actions necessary and appropriate to effectuate the compact's
5 purposes and intent. The provisions of the compact and the rules
6 promulgated hereunder shall have standing as statutory law but shall
7 not override existing state authority to regulate the practice of
8 medicine.

9 (2) All courts shall take judicial notice of the compact and the
10 rules in any judicial or administrative proceeding in a member state
11 pertaining to the subject matter of the compact which may affect the
12 powers, responsibilities, or actions of the interstate commission.

13 (3) The interstate commission shall be entitled to receive all
14 service of process in any such proceeding, and shall have standing to
15 intervene in the proceeding for all purposes. Failure to provide
16 service of process to the interstate commission shall render a
17 judgment or order void as to the interstate commission, the compact,
18 or promulgated rules.

19 NEW SECTION. **Sec. 17.** ENFORCEMENT OF INTERSTATE COMPACT. (1)
20 The interstate commission, in the reasonable exercise of its
21 discretion, shall enforce the provisions and rules of the compact.

22 (2) The interstate commission may, by majority vote of the
23 commissioners, initiate legal action in the United States district
24 court for the District of Columbia, or, at the discretion of the
25 interstate commission, in the federal district where the interstate
26 commission has its principal offices, to enforce compliance with the
27 provisions of the compact, and its promulgated rules and bylaws,
28 against a member state in default. The relief sought may include both
29 injunctive relief and damages. In the event judicial enforcement is
30 necessary, the prevailing party shall be awarded all costs of such
31 litigation including reasonable attorneys' fees.

32 (3) The remedies herein shall not be the exclusive remedies of
33 the interstate commission. The interstate commission may avail itself
34 of any other remedies available under state law or the regulation of
35 a profession.

36 NEW SECTION. **Sec. 18.** DEFAULT PROCEDURES. (1) The grounds for
37 default include, but are not limited to, failure of a member state to
38 perform such obligations or responsibilities imposed upon it by the

1 compact, or the rules and bylaws of the interstate commission
2 promulgated under the compact.

3 (2) If the interstate commission determines that a member state
4 has defaulted in the performance of its obligations or
5 responsibilities under the compact, or the bylaws or promulgated
6 rules, the interstate commission shall:

7 (a) Provide written notice to the defaulting state and other
8 member states, of the nature of the default, the means of curing the
9 default, and any action taken by the interstate commission. The
10 interstate commission shall specify the conditions by which the
11 defaulting state must cure its default; and

12 (b) Provide remedial training and specific technical assistance
13 regarding the default.

14 (3) If the defaulting state fails to cure the default, the
15 defaulting state shall be terminated from the compact upon an
16 affirmative vote of a majority of the commissioners and all rights,
17 privileges, and benefits conferred by the compact shall terminate on
18 the effective date of termination. A cure of the default does not
19 relieve the offending state of obligations or liabilities incurred
20 during the period of the default.

21 (4) Termination of membership in the compact shall be imposed
22 only after all other means of securing compliance have been
23 exhausted. Notice of intent to terminate shall be given by the
24 interstate commission to the governor, the majority and minority
25 leaders of the defaulting state's legislature, and each of the member
26 states.

27 (5) The interstate commission shall establish rules and
28 procedures to address licenses and physicians that are materially
29 impacted by the termination of a member state, or the withdrawal of a
30 member state.

31 (6) The member state which has been terminated is responsible for
32 all dues, obligations, and liabilities incurred through the effective
33 date of termination including obligations, the performance of which
34 extends beyond the effective date of termination.

35 (7) The interstate commission shall not bear any costs relating
36 to any state that has been found to be in default or which has been
37 terminated from the compact, unless otherwise mutually agreed upon in
38 writing between the interstate commission and the defaulting state.

39 (8) The defaulting state may appeal the action of the interstate
40 commission by petitioning the United States district court for the

1 District of Columbia or the federal district where the interstate
2 commission has its principal offices. The prevailing party shall be
3 awarded all costs of such litigation including reasonable attorneys'
4 fees.

5 NEW SECTION. **Sec. 19.** DISPUTE RESOLUTION. (1) The interstate
6 commission shall attempt, upon the request of a member state, to
7 resolve disputes which are subject to the compact and which may arise
8 among member states or member boards.

9 (2) The interstate commission shall promulgate rules providing
10 for both mediation and binding dispute resolution as appropriate.

11 NEW SECTION. **Sec. 20.** MEMBER STATES, EFFECTIVE DATE, AND
12 AMENDMENT. (1) Any state is eligible to become a member state of the
13 compact.

14 (2) The compact shall become effective and binding upon
15 legislative enactment of the compact into law by no less than seven
16 states. Thereafter, it shall become effective and binding on a state
17 upon enactment of the compact into law by that state.

18 (3) The governors of nonmember states, or their designees, shall
19 be invited to participate in the activities of the interstate
20 commission on a nonvoting basis prior to adoption of the compact by
21 all states.

22 (4) The interstate commission may propose amendments to the
23 compact for enactment by the member states. No amendment shall become
24 effective and binding upon the interstate commission and the member
25 states unless and until it is enacted into law by unanimous consent
26 of the member states.

27 NEW SECTION. **Sec. 21.** WITHDRAWAL. (1) Once effective, the
28 compact shall continue in force and remain binding upon each and
29 every member state; provided that a member state may withdraw from
30 the compact by specifically repealing the statute which enacted the
31 compact into law.

32 (2) Withdrawal from the compact shall be by the enactment of a
33 statute repealing the same, but shall not take effect until one year
34 after the effective date of such statute and until written notice of
35 the withdrawal has been given by the withdrawing state to the
36 governor of each other member state.

1 (3) The withdrawing state shall immediately notify the
2 chairperson of the interstate commission in writing upon the
3 introduction of legislation repealing the compact in the withdrawing
4 state.

5 (4) The interstate commission shall notify the other member
6 states of the withdrawing state's intent to withdraw within sixty
7 days of its receipt of notice provided under subsection (3) of this
8 section.

9 (5) The withdrawing state is responsible for all dues,
10 obligations, and liabilities incurred through the effective date of
11 withdrawal, including obligations, the performance of which extend
12 beyond the effective date of withdrawal.

13 (6) Reinstatement following withdrawal of a member state shall
14 occur upon the withdrawing state reenacting the compact or upon such
15 later date as determined by the interstate commission.

16 (7) The interstate commission is authorized to develop rules to
17 address the impact of the withdrawal of a member state on licenses
18 granted in other member states to physicians who designated the
19 withdrawing member state as the state of principal license.

20 NEW SECTION. **Sec. 22.** DISSOLUTION. (1) The compact shall
21 dissolve effective upon the date of the withdrawal or default of the
22 member state which reduces the membership in the compact to one
23 member state.

24 (2) Upon the dissolution of the compact, the compact becomes null
25 and void and shall be of no further force or effect, and the business
26 and affairs of the interstate commission shall be concluded and
27 surplus funds shall be distributed in accordance with the bylaws.

28 NEW SECTION. **Sec. 23.** SEVERABILITY AND CONSTRUCTION. (1) The
29 provisions of the compact shall be severable, and if any phrase,
30 clause, sentence, or provision is deemed unenforceable, the remaining
31 provisions of the compact shall be enforceable.

32 (2) The provisions of the compact shall be liberally construed to
33 effectuate its purposes.

34 (3) Nothing in the compact shall be construed to prohibit the
35 applicability of other interstate compacts to which the states are
36 members.

1 NEW SECTION. **Sec. 24.** BINDING EFFECT OF COMPACT AND OTHER LAWS.

2 (1) Nothing herein prevents the enforcement of any other law of a
3 member state that is not inconsistent with the compact.

4 (2) All laws in a member state in conflict with the compact are
5 superseded to the extent of the conflict.

6 (3) All lawful actions of the interstate commission, including
7 all rules and bylaws promulgated by the commission, are binding upon
8 the member states.

9 (4) All agreements between the interstate commission and the
10 member states are binding in accordance with their terms.

11 (5) In the event any provision of the compact exceeds the
12 constitutional limits imposed on the legislature of any member state,
13 such provision shall be ineffective to the extent of the conflict
14 with the constitutional provision in question in that member state.

15 NEW SECTION. **Sec. 25.** A new section is added to chapter 42.56
16 RCW to read as follows:

17 (1) Information distributed to any Washington health profession
18 board or commission by an interstate health professions licensure
19 compact or member boards as described in section 8(6) of this act of
20 the interstate medical licensure compact is exempt from disclosure
21 under this chapter. This exemption does not prohibit the requestor
22 from requesting these documents from the state of origin.

23 (2) This exemption does not pertain to any records created by
24 Washington health profession boards or commissions from the documents
25 described in subsection (1) of this section. Records created by
26 Washington health profession boards or commissions from the documents
27 described in subsection (1) of this section may be exempt under other
28 sections of this chapter.

29 **Sec. 26.** RCW 43.70.250 and 2016 c 146 s 1 are each amended to
30 read as follows:

31 (1) It shall be the policy of the state of Washington that the
32 cost of each professional, occupational, or business licensing
33 program be fully borne by the members of that profession, occupation,
34 or business.

35 (2) The secretary shall from time to time establish the amount of
36 all application fees, license fees, registration fees, examination
37 fees, permit fees, renewal fees, and any other fee associated with
38 licensing or regulation of professions, occupations, or businesses

1 administered by the department. Any and all fees or assessments, or
2 both, levied on the state to cover the costs of the operations and
3 activities of the interstate health professions licensure compacts
4 with participating authorities listed under chapter 18.130 RCW shall
5 be borne by the persons who hold licenses issued pursuant to the
6 authority and procedures established under the compacts. In fixing
7 said fees, the secretary shall set the fees for each program at a
8 sufficient level to defray the costs of administering that program
9 and the cost of regulating licensed volunteer medical workers in
10 accordance with RCW 18.130.360, except as provided in RCW 18.79.202.
11 In no case may the secretary increase a licensing fee for an
12 ambulatory surgical facility licensed under chapter 70.230 RCW prior
13 to July 1, 2018, nor may he or she commence the adoption of rules to
14 increase a licensing fee prior to July 1, 2018.

15 (3) All such fees shall be fixed by rule adopted by the secretary
16 in accordance with the provisions of the administrative procedure
17 act, chapter 34.05 RCW.

18 NEW SECTION. **Sec. 27.** Sections 1 through 24 of this act
19 constitute a new chapter in Title 18 RCW.

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